

### **REMARKS**

Claims 1-12 are pending in the application, as amended. Claim 1 has been amended to more clearly define the reference points for measuring the width of the fresh developer accommodating portion. The amendment to claim 1 is supported in the specification at least at page 13, line 26-page 14, line 5 and in the drawings at least at Figs. 4-6. New claim 11 is supported in the drawings at least at Fig. 5. New claim 12 is supported in the specification at least at page 13, lines 8-13 and Fig. 5 in the drawings. The Abstract has been amended to correct a formal error. Accordingly, no new matter has been added to the application by the amendment.

#### **Formal Matter – Abstract**

The Examiner has objected to the Abstract because on page 38, line 3, “the fresh developer chamber 46” is inconsistent with “a fresh toner chamber 46” in line 2 of the same page. The Abstract has been amended by replacing “fresh developer chamber” with “fresh toner chamber.” The amended Abstract complies with all requirements.

#### **Claim Rejections– 35 U.S.C. § 102**

The Examiner has rejected claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,363,233 (Nakajima). Regarding claim 1, the Examiner states that Nakajima discloses a toner cartridge 1 that reads on the instant invention’s developer container including a fresh toner chamber 3 that stores fresh toner therein and a waste toner chamber 4 that stores the waste toner delivering it from a cleaning unit. The Examiner further states that the waste toner chamber 4 is within a toner cartridge in a portion that reads on the instant invention’s hollow elongated outer body. The Examiner further states that an inner wall 2c portion partitions the inner space into the fresh toner chamber 3 and the waste toner chamber 4 and that the inner wall 2c reads on the instant invention’s partition wall. Furthermore, the Examiner states that as shown in Fig. 2a, a width in the horizontal direction substantially perpendicular to the longitudinal direction, of the interior of the fresh toner chamber 3 at any arbitrary vertical position along the partition wall 2c is substantially equal to or less than a corresponding width at another position below the arbitrary vertical position in a state where the toner cartridge 1 is

detachably mounted in the print cartridge 29 (Fig. 3A) in which it is mounted in an electrographic printer. Applicants respectfully traverse the rejection.

Referring to Figs. 4-6, the present invention is directed to a toner container 40 including a hollow elongated outer body 41 in which fresh toner and waste toner are accommodated. The hollow elongated outer body 41 is divided by a partition wall 45 into a fresh developer accommodating portion 46 and a waste developer accommodating portion 47. The fresh developer accommodating portion 46 and the waste developer accommodating portion 47 both extend in the longitudinal direction of the hollow elongated outer body 41 so that the developer accommodating portions 46, 47 are adjacent to each other. The width of the fresh developer accommodating portion 46 is such that an upper part of the fresh developer accommodating portion 46 immediately adjacent a top wall 41f is substantially equal to or less than a corresponding width of a lower part of the fresh developer accommodating portion 46 everywhere below the upper part of the fresh developer accommodating portion 46 (Fig. 5).

Claim 1, as amended, recites, among other things:

... wherein a width, in the horizontal direction substantially perpendicular to said longitudinal direction, of the interior of an upper part of said fresh developer accommodating portion immediately adjacent said top wall is substantially equal to or less than a corresponding width of a lower part of said fresh developer accommodating portion everywhere below said upper part in a state where said developer container is mounted in said image forming apparatus.

Nakajima does not disclose a fresh developer accommodating portion wherein a width of an upper part immediately adjacent a top wall is substantially equal to or less than a corresponding width of a lower part of the fresh developer accommodating portion everywhere below said upper part. Nakajima discloses a toner cartridge having a fresh toner chamber 3 and a waste toner chamber 4 extending in a longitudinal direction. Referring to Fig. 2A, the width of the fresh toner chamber 3 generally decreases from top to bottom. That is, Fig. 2A of Nakajima clearly shows that the width of the fresh toner chamber immediately adjacent the top wall is wider than at least some of the lower portions in the fresh toner chamber. Claim 1 recites the

width of an “upper part of said fresh developer accommodating portion immediately adjacent said top wall is substantially equal to or less than a corresponding width of a lower part of the fresh developer accommodating portion everywhere below said upper part.” The widening of the fresh developer accommodating portion as the fresh developer travels in a downward direction prevents fresh developer from clogging due to the width of the fresh developer accommodating portion narrowing as the developer travels downward (page 3, lines 18-25 and page 5, lines 25-31). Nakajima clearly shows a fresh developer accommodating portion which is narrower in width in the middle versus the top of the container. Thus, Nakajima does not disclose each and every element of claim 1. Claim 8 is dependent on claim 1 and is therefore patentable for the same reasons discussed above. New claims 11 and 12 are also dependent on claim 1.

Applicants appreciate the Examiner’s willingness to allow claims 2-7, 9 and 10. However, it is respectfully submitted that claims 1 and 8 are also allowable.

**CONCLUSION**

In view of the above Amendment, it is respectfully submitted that the present application, including claims 1-12, is in condition for allowance.

Respectfully submitted,

**TETSU KOYAMA ET AL.**

January 19, 2005  
(Date)

By:

Martin G. Belisario

**MARTIN G. BELISARIO**

Registration No. 32,886

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1303**

Facsimile: 215-965-1210

E-Mail: mbelisario@akingump.com

MGB/JHC:nywp